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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,909	03/31/2004	Ronald W. Korzun	136483-1	2908
23413	7590	01/07/2008		
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Hartford, CT 06103			ART UNIT	PAPER NUMBER
			3745	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10708909	3/31/04	KORZUN ET AL.	136483-1

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ART UNIT**PAPER**

3745

20080101

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Commissioner for Patents

The information disclosure statement filed 01 November 2007 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because Applicant cannot make the statement under 37 CFR 1.97(e)(1). See MPEP 609.04(b) V. which recites, "Applicant would not be able to make a statement under 37 CFR 1.97(e) where an item of information was first cited by a foreign patent office, for example, a year before the filing of the IDS, in a communication from that foreign patent office, and the same item of information is once again cited by another foreign patent office within three months prior to the filing of the IDS in the Office."

The IDS submitted on 01 November 2007 consists of two U.S. Patents and one German document each previously made of record.

US Patent No. 5,238,368 to Ortolano and German publication DE2130128 were each first cited by Applicants on 31 March 2004 as part of the original filing under 37 CFR 1.53(b) and considered by the undersigned on 18 October 2005 and mailed to Applicants with the non-final Office action of 21 October 2005.

US Patent No. 2,221,678 issued to Heckman was first cited by Applicants on 24 August 2005 and considered by the undersigned on 18 October 2005 and mailed to Applicants with the non-final Office action of 21 October 2005.

Each of US Patents 2,221,678 and 5,238,368 and German publication DE2130128 were first cited in the European search report mailed 14 July 2005 and submitted by Applicants as a part of the IDS filed 24 August 2005, well outside 3 months from 01 November 2007.

It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

/Richard Edgar/
Primary Examiner
Art Unit: 3745